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Title 63. Public Health and Safety

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■Title 63. Public Health and Safety

Chapter 1 - Oklahoma Public Health Code

E. Pain-Capable Unborn Child Protection Act

Article Article 7 - Hospitals and Related Institutions

Section 1-745.6 - Physician Reporting Requirements - Department of Health Report - Fines

Cite as: O.S. §, _____

A. Any physician who performs or induces or attempts to perform or induce an abortion shall report to the **State Department of Health**, on a schedule and in accordance with forms and rules and regulations adopted and promulgated by the **State Board of Health** that include:

- 1. If a determination of probable postfertilization age was made, the probable postfertilization age determined and the method and basis of the determination;
- 2. If a determination of probable postfertilization age was not made, the basis of the determination that a medical emergency existed;
- 3. If the probable postfertilization age was determined to be twenty (20) or more weeks, the basis of the determination that the pregnant woman had a condition which so complicated her medical condition as to necessitate the abortion of her pregnancy to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions; and
- 4. The method used for the abortion and, in the case of an abortion performed when the probable postfertilization age was determined to be twenty (20) or more weeks:
- a. whether the method used was one that, in reasonable medical judgment, provided the best opportunity for the unborn child to survive, or
- b. if such a method was not used, the basis of the determination that termination of the pregnancy in that manner would pose a greater risk either of the death of the pregnant woman or of the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the woman than would other available methods.
- B. By June 30 of each year, the **State Department of Health** shall issue a public report providing statistics for the previous calendar year compiled from all of the reports covering that year submitted in accordance with this section for each of the items listed in subsection A of this section. Each such report shall also provide the statistics for all previous calendar years during which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The **State Department of Health** shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed or attempted.
- C. Any physician who fails to submit a report by the end of thirty (30) days following the due date shall be subject to a late fee of Five Hundred Dollars (\$500.00) for each additional thirty-day period or portion of a thirty-day period the report is overdue. Any physician required to report in accordance with this act who has not submitted a report, or has submitted only an incomplete report, more than one (1) year following the due date, may, in an action brought by the **State Department of Health** or by the State Board of Medical Licensure and Supervision, be directed by a court of competent jurisdiction to submit a complete report within a period stated by court order or be subject to civil contempt. Knowing or reckless failure by any physician to conform to any requirement of this section, other than late filing of a report, constitutes "unprofessional conduct" pursuant to Section 509 of Title 59 of the Oklahoma Statutes. Knowing or reckless failure by any physician to submit a complete report in accordance with a court order constitutes "unprofessional conduct" pursuant to Section 509 of Title 59 of the Oklahoma Statutes. Knowing or reckless falsification of any report required under this section is a misdemeanor.

D. By February 1, 2012, the **State Board of Health** shall adopt and promulgate rules and regulations to assist in compliance with this section. Subsection A of this section shall take effect so as to require reports regarding all abortions performed or induced on and after the first day of the first calendar month following the effective date of such rules.

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Historical Data

Laws 2011, HB 1888, c. 89, § 6, eff. November 1, 2011.

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